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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,249	01/31/2005	Christian Zechlin	884A.0051.U1(US)	8242
29683 7590 07/30/2007 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER NGUYEN, TUAN HOANG	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 07/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/501,249

Applicant(s)

ZECHLIN ET AL.

Examiner

Tuan H. Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response To Arguments***

1. Applicant's arguments, see applicant's remarks, filed on 11/02/2006, with respect to the rejection(s) of claims 1-28 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Elg Johannes et al. (International Publication No. WO 99/37106 hereinafter, "Elg") and Upadrasta (U.S PAT. 5,872,820).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 10-15 and 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elg Johannes et al. (International Publication No. WO 99/37106 hereinafter, "Elg") in view of Upadrasta (U.S PAT. 5,872,820).

Consider claim 1, Elg teaches a low power radio frequency transceiver arranged to form a network of communicating low power radio frequency transceivers comprising: a transmitter for transmitting packets of data (page 3 line 29 through page 4 line 9); and controlling the transmitter to transmit a series of messages of a first type outside the network of transceivers (page 6 lines 15-21).

Elg does not explicitly show that punctuating the series of messages of a first type with messages of a second type, transmitted within the network of transceivers, for maintaining synchronization.

In the same field of endeavor, Upadrasta teaches punctuating the series of messages of a first type with messages of a second type, transmitted within the network of transceivers, for maintaining synchronization (fig. 1 col. 1 line 56 through col. 2 line 21 and col. 3 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, punctuating the series of messages of a first type with messages of a second type, transmitted within the network of transceivers, for maintaining synchronization, as taught by Upadrasta, in order to provide a method and apparatus for synchronization between a base station sub-system and a mobile station.

Consider claim 10, Elg teaches maintaining synchronization in a network of communicating low power radio frequency transceivers comprising a master transceiver and at least one slave transceiver (page 3 line 29 through page 4 line 9).

Elg does not explicitly show that punctuating a series of messages of a first type transmitted by the master transceiver outside the network of transceivers, with messages of a second type transmitted within the network of communicating transceivers for maintaining synchronization..

In the same field of endeavor, Upadrasta teaches punctuating a series of messages of a first type transmitted by the master transceiver outside the network of transceivers, with messages of a second type transmitted within the network of communicating transceivers for maintaining synchronization (fig. 1 col. 1 line 56 through col. 2 line 21 and col. 3 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, punctuating a series of messages of a first type transmitted by the master transceiver outside the network of transceivers, with messages of a second type transmitted within the network of communicating transceivers for maintaining synchronization, as taught by Upadrasta, in order to provide a method and apparatus for synchronization between a base station sub-system and a mobile station.

Consider claim 11, Elg teaches a storage medium for data, comprising computer code for providing, in a low power radio frequency transceiver, punctuating transmission of a series of messages of a first type comprising a first synchronization word independent of the identity of the low power radio frequency transceiver (page 6 lines 15-21).

Elg does not explicitly show that messages of a second type comprising a second synchronization word dependent upon the identity of the low power radio frequency transceiver.

In the same field of endeavor, Upadrasta teaches messages of a second type comprising a second synchronization word dependent upon the identity of the low power radio frequency transceiver (fig. 1 col. 1 line 56 through col. 2 line 21 and col. 3 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, messages of a second type comprising a second synchronization word dependent upon the identity of the low power radio frequency transceiver, as taught by Upadrasta, in order to provide a method and apparatus for synchronization between a base station sub-system and a mobile station.

Consider claim 19, Elg teaches a low power radio frequency transceiver arranged to form a network of communicating low power radio frequency transceivers comprising: a transmitter for transmitting packets of data (page 3 line 29 through page 4 line 9); a controller for controlling the transmitter to transmit a series of messages of a first type outside the network of transceivers (page 6 lines 15-21).

Elg does not explicitly show that punctuating the series of messages of a first type with messages of a second type, transmitted within network of transceivers, for maintaining synchronization.

In the same field of endeavor, Upadrasta teaches punctuating the series of messages of a first type with messages of a second type, transmitted within network of transceivers, for maintaining synchronization (fig. 1 col. 1 line 56 through col. 2 line 21 and col. 3 lines 1-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, punctuating the series of messages of a first type with messages of a second type, transmitted within network of transceivers, for maintaining synchronization, as taught by Upadrasta, in order to provide a method and apparatus for synchronization between a base station sub-system and a mobile station.

Consider claims 2 and 20, Elg further teaches arranged to operate as a master of the radio network of slave transceivers (page 9 lines 14-30).

Consider claims 3, 12, and 21, Elg further teaches the network of transceivers uses a first frequency hopping sequence (page 2 lines 13-26).

Consider claims 4, 13, and 22, Elg further teaches the messages of a first type transmitted outside the network of transceivers are transmitted using a second frequency hopping sequence (page 9 lines 14-30).

Consider claims 5, 14, and 23, Upadrasta further teaches the messages of the second type are broadcast (col. 4 lines 47-63).

Consider claims 6, 15, and 24, Upadrasta further teaches punctuates the series of messages of a first type with a message of a second type periodically (fig. 1 col. 1 line 56 through col. 2 line 21 and col. 3 lines 1-9).

4. Claims 7-9, 16-18 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elg in view of Upadrasta and further in view of Muller et al. (U.S PAT. 6,959,013 hereinafter, "Muller").

Consider claims 7, 16, and 25, Elg and Upadrasta, in combination, fails to teaches the messages of the second type do not initiate a response from any of the transceivers in the network.

However, Muller teaches the messages of the second type do not initiate a response from any of the transceivers in the network (col. 2 line 61 through col. 3 line 14).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Muller into view of Elg and Upadrasta, in order to provide a transmitter, for transmitting an intermittent sequence of messages to maintain synchronization between the transmitter and at least one receiver.



Consider claims 8, 17, and 26, Muller further teaches the messages of the second type comprise a synchronization word dependent upon the identity of the transmitting low power radio frequency transceiver (col. 4 lines 14-45).

Consider claims 9, 18, and 27, Muller further teaches messages of the second type are transmitted at a frequency dependent upon the identity of the transmitting low power radio frequency transceiver (col. 3 lines 29-43).

Consider claim 28, Muller further teaches a computer program product comprising program instructions for causing a computer to perform the method of claim 10 (col. 4 lines 46-59).

### ***Conclusion***

5. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Art Unit: 2618

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618. *T.N.*

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER